



**U.S. DEPARTMENT OF TRANSPORTATION**  
FEDERAL HIGHWAY ADMINISTRATION  
ARIZONA DIVISION  
One Arizona Center, Suite 410  
400 E. Van Buren St.  
Phoenix, AZ. 85004  
January 21, 2003

IN REPLY REFER TO  
**HA-AZ**  
NH-017-A(874)  
TRACS No. 017 MA 214 H5162 01L  
I-17; SR-101L T.I. - New River T.I.  
Section 106 Consultation

Raymond Stanley, Sr., Chairman  
San Carlos Apache Tribal Council  
PO Box 0  
San Carlos, AZ 85550

Dear Chairman Stanley:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are in the pre-design planning stage for the proposed widening of Interstate-17 (I-17) from the Loop-101 interchange to the New River interchange. Because this project may qualify for federal-aid funding it is considered an undertaking subject to Section 106 review. This project occurs on ADOT-owned land, and ADOT right-of-way across lands administered by Arizona Game and Fish Department (AZG&FD) and the Bureau of Land Management (BLM), and state trust lands administered by the Arizona State Land Department (ASLD). Consulting parties for this undertaking are FHWA, ADOT, ASLD, AZG&FD, the BLM, the San Carlos Apache Tribe, the White Mountain Apache Tribe, the Salt River Pima Maricopa Indian Community, the Hopi Tribe, and the Prescott-Yavapai Tribe.

The purpose of this letter is to initiate consultation for this project by describing the undertaking and asking if you have concerns for historic properties of religious or traditional importance to your community. If you have any such concerns we would appreciate any information you could provide so that it could be considered in planning for this project.

The scope of this project would involve widening I-17 within the existing corridor from SR101L to the New River Traffic Interchange (T.I.), addressing improvements to the frontage roads, and improving existing interchanges as necessary to accommodate the widening of I-17. New right-of-way and/or temporary construction easements would be required. The project area of potential effect (APE) begins at approximately milepost (MP) 214 of I-17 (at the interchange with SR101L) and extends north to approximately MP 233 (the New River T.I.), within the existing I-17 corridor. The APE includes the existing ADOT right-of-way, new right-of-way required by the project, frontage roads, existing interchanges between MP 214 and 233 and temporary construction easements necessary for the project.

The project area has been surveyed by Archaeological Consulting Services, Ltd. (ACS) and is reported in *Cultural Resources Survey of Interstate 17 Between Milepost 214 and 233, Pima Freeway to the New River Traffic Interchange, Maricopa and Yavapai Counties, Arizona* (DeMaagd et al 2002). A copy of this report is enclosed here for your review and comment.

Thirty-two cultural resource sites were identified as part of this survey. One site, the Sun-Up Ranch (old Jacka Homestead) is listed on the National Register of Historic Places (NRHP). This site was listed on the NRHP in 1988 under Criterion 'a', as an excellent example homestead associated with the Depression era. The project area intrudes into the NRHP boundary, but would not effect any of the property's Register-eligible elements.

Three of the sites identified in the survey, AZ T:4:192(ASM), AZ T:4:337(ASM) and AZ T:4:346(ASM), are considered eligible for inclusion into the NRHP. AZ T:4:192(ASM) is the New River – Stricklin site, a large multicomponent prehistoric habitation site. Site AZ T:4:337(ASM) is a large prehistoric habitation site. Site AZ T:4:346(ASM) is a prehistoric chalcedony quarry with a possible petroglyph feature.

Seven of the cultural resource sites identified would require further work to determine their eligibility: AZ T:4:330(ASM), AZ T:4:331(ASM), AZ T:4:338(ASM), AZ T:4:349(ASM), AZ T:8:153(ASM), AZ T:8:157 (ASM) and AZ T:8:158(ASM). All of these sites are prehistoric artifact scatters, with the exception of site AZ T:8:153(ASM), which also includes a historic component.

The remaining 21 sites are not considered eligible for NRHP inclusion. Sites AZ T:4:332, 333, 334, 335, 336, 339, 340, 341, 347, and 350 (ASM) are all historic dirt road segments. None of these dirt road segments retain sufficient integrity or historic character to be considered eligible for the NRHP. Site AZ T:4:131(ASM) is the Old Black Canyon Highway. Seventeen segments of this road were identified within the project area. Only two of the 17 segments identified within the project APE are located within the ADOT right-of-way and would be impacted by the proposed project. The Old Black Canyon Highway is part of the Historic State Highway System; it is recommended as eligible for listing on the National Register of Historic Places (NRHP) under criterion 'd' for its potential to yield important information about the development of Arizona's roadways. However, the segments of this highway that would be impacted by this project lack the integrity necessary to provide valuable information and do not warrant further recordation.

Sites AZ T:4:329, 343, 344, 345, and 352 (ASM) are all prehistoric artifact scatters that are not eligible for the NRHP. Sites AZ T:4:342(ASM) and AZ T:8:152(ASM) are historic trash scatters that are not eligible for the NRHP. Sites AZ T:8:155 and 156(ASM) are historic foundation remnants and associated features that also lack the significance necessary to be eligible for the NRHP. Site AZ T:8:154(ASM) consists of three rock features of indeterminate age and is not eligible for the NRHP.

This project is in the early planning stages. At this time, ADOT cannot identify the impacts this project would have on historic properties. For that reason, FHWA recommends that a

Programmatic Agreement (PA) be prepared to address possible impacts to the historic properties identified in the attached survey report. The development of a PA would ensure the project meets the Section 106 obligations of this project.

Please review the attached report and the contents of this letter. If you agree with the identification of the scope of work, the concurring parties, the recommendations of NRHP eligibility and the recommendation to proceed with the development of a PA, please sign below to indicate your concurrence. If you have any questions, please contact Kae Neustadt at (602) 712-8148 or via email at [kneustadt@dot.state.az.us](mailto:kneustadt@dot.state.az.us). Thank you.

Sincerely,

\SDT\

Robert E. Hollis  
Division Administrator

\_\_\_\_\_  
Signature for San Carlos Apache Tribal Concurrence

\_\_\_\_\_  
Date

C: Steve Thomas, Vachon, Kae Neustadt (619E), Vernelda J. Grant, Tribal Archaeologist, with enclosures



June 9, 2003

Robert E. Hollis  
Division Administrator  
Federal Highway Administration  
One Arizona Center, Suite 410  
400 E. Van Buren St.  
Phoenix, AZ 85004

RE: *I-17 Widening*

Dear Mr. Hollis:

We received your notification and supporting documentation regarding the adverse effects of the referenced project, a property eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Memorandum of Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the ACHP is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Jane Crisler at 303/969-5110 or via eMail at [jcrisler@achp.gov](mailto:jcrisler@achp.gov).

Sincerely,

Nancy Kochan  
Office Administrator/Technician  
Western Office of Federal  
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228  
Phone: 303-969-5110 • Fax: 303-969-5115 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



**U.S. DEPARTMENT OF TRANSPORTATION**

**FEDERAL HIGHWAY ADMINISTRATION**

**ARIZONA DIVISION**

One Arizona Center, Suite 410

400 E. Van Buren St.

Phoenix, AZ. 85004

July 14, 2003

IN REPLY REFER TO

**HA-AZ**

**NH-017-A(874)**

**TRACS No. 017 MA 214 H5162 01L**

**I-17; SR 101L - New River T.I.**

**Final PA Submittal**

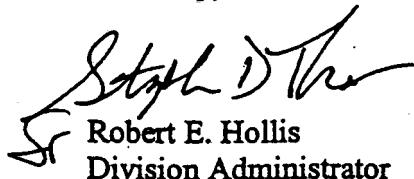
Mr. John Madsen, Archaeologist  
Arizona State Museum  
University of Arizona  
Tucson, Arizona 85721

Dear Mr. Madsen:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to widen Interstate 17 (I-17) from the Loop 101 to the New River Traffic Interchange in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended that a Programmatic Agreement (PA) be developed to address potential impacts to historic properties within the project area. SHPO concurred with the recommendation that a PA be developed (Jacobs [SHPO] to Neustadt [ADOT] December 27, 2002). A draft PA was sent for your review on March 25, 2003.

At this time, FHWA is submitting the final PA for signature. Please review the enclosed PA. If you find it appropriate, please obtain the necessary signatures. If you have any questions, please contact Kae Neustadt, ADOT Historic Preservation Specialist, at (602) 712-8148. Thank you.

Sincerely,

  
Robert E. Hollis  
Division Administrator

Enclosures

SHPO- 2002

2825 (16629)



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
ARIZONA DIVISION  
One Arizona Center, Suite 410  
400 E. Van Buren St.  
Phoenix, AZ. 85004  
July 14, 2003

JUL 15 2003  
7/16/03

IN REPLY REFER TO  
HA-AZ  
NH-017-A(874)

TRACS No. 017 MA 214 H5162 01L  
I-17; SR 101L - New River T.I.  
Continuing Section 106 Consultation

ARIZONA DEPT. OF TRANSPORTATION  
INTERMODAL TRANSPORTATION DIVISION  
ENVIRONMENTAL PLANNING GROUP

JUL 28 2003

**RECEIVED**  
PHOENIX OFFICE

David Jacobs, Ph.D.  
Compliance Specialist  
State Historic Preservation Office  
Arizona State Parks  
1300 W. Washington  
Phoenix, Arizona 85007

Dear Dr. Jacobs:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to widen Interstate 17 (I-17) between the Loop 101 interchange and the New River interchange. This project occurs on ADOT-owned land, and ADOT right-of-way across lands administered by Arizona Game and Fish Department (AZG&FD) and the Bureau of Land Management (BLM), and state trust lands administered by the Arizona State Land Department (ASLD). Consulting parties for this undertaking are FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), ASLD, the BLM, the San Carlos Apache Tribe, the White Mountain Apache Tribe, the Salt River Pima Maricopa Indian Community, the Hopi Tribe, and the Prescott-Yavapai Tribe.

Previous consultation with the SHPO identified 32 cultural resources within the project area and recommended a Programmatic Agreement (PA) be developed to address the impacts to historic properties. SHPO agreed with the recommendation of a PA (Jacobs [SHPO] to Neustadt [ADOT] December 27, 2002). The final PA is currently being circulated for signature by the consulting parties.

During previous consultation with the SHPO, additional information was requested regarding the Sun-Up Ranch, a National Register of Historic Places (NRHP) listed property that extends into the project area of potential effect (APE). SHPO's main concern included the vegetation that would be impacted by this project, as the native vegetation surrounding the ranch is considered a contributing factor to the property's overall NRHP eligibility. Archaeological Consulting Services, Ltd. (ACS) returned to the project area to assess the nature of the vegetation in those areas of the Sun-Up Ranch that would be impacted by the project. The results of this assessment are presented in "*Addendum to A Cultural Resources Survey of Interstate 17 Between Mileposts*


214 and 233, Pima Freeway to the New River Traffic Interchange, Maricopa County, Arizona" (Aguila and Jones 2003) and are enclosed for your review.


The Sun-Up Ranch landscape assessment reveals that the vegetation within the APE, though consisting of native plants, was planted during the construction of I-17. Thus, this vegetation does not represent the native desert vegetation that contributes to the Sun-Up Ranch's NRHP eligibility. For this reason, FHWA and ADOT recommend that the vegetation within the APE is not a contributing element to the property's eligibility and that the removal of this vegetation would have on the vegetation would not adversely affect any of the qualities that contribute to the eligibility status of the ranch.

The survey also identifies a rock fence on the Sun-Up Ranch property and that extends into the right-of-way (ROW). This fence was constructed during the 1930s using rock cleared from the sheep-watering area. Because of its association with the period of significance and the development of the sheep-watering area, this fence is recommended as being a contributing element to the property's overall NRHP eligibility. Previous project design has been revised to avoid the fence. With this avoidance in place, this project would have no impact to any of the elements at the Sun-Up Ranch that contribute to the property's NRHP eligibility. Therefore, FHWA recommends that this project would have "no adverse effect" on the Sun-Up Ranch.

Please review the enclosed report addendum and the contents of this letter. If you find the report addendum adequate and agree with FHWA's recommendation that the project proceed with a finding of "no adverse effect" on the Sun-Up Ranch, please sign below to indicate your concurrence. If you have any questions, please contact Kae Neustadt, ADOT Historic Preservation Specialist, at (602) 712-8148 or email at [kneustadt@dot.state.az.us](mailto:kneustadt@dot.state.az.us). Thank you.

Sincerely,

  
Robert E. Hollis  
Division Administrator

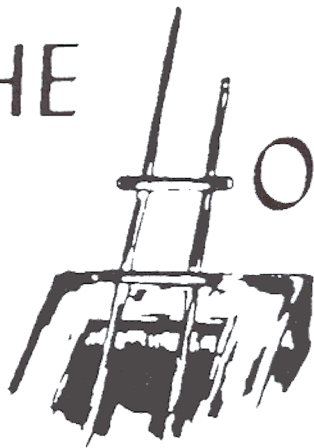
  
Signature for SHPO Concurrence

24 JUL 03  
Date

Enclosure

CC: KAE NEUSTADT, ADOT

THE



OPI TRIBE

017 MA 215 H5162 01E  
NH-017-A (874)

Wayne Taylor, Jr.  
CHAIRMAN

VICE-CHAIRMAN

July 16, 2003

Robert E. Hollis, Division Administrator  
U.S. Department of Transportation, Federal Highway Administration, Arizona Division  
One Arizona Center, Suite 410  
400 E. Van Buren St.  
Phoenix, Arizona 85004

Re: Programmatic Agreement: I-17, SR-101L T.I. - New River T.I.

Dear Mr. Hollis,

This letter is in response to your correspondence dated July 14, 2003, with an enclosed Programmatic Agreement regarding the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) proposed widening of Interstate-17 from the Loop 101 interchange to the New River interchange, between mileposts 214 and 233. As you know from our January 28, 2002, and April 1, 2003, letters on this project, we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

In the letter dated January 28, 2003, the Hopi Cultural Preservation Office reviewed a cultural resources survey report by Archaeological Consulting Services, Ltd. that identifies ten eligible or potentially eligible prehistoric sites and five ineligible prehistoric sites described as artifact scatters, in this project area. The ten potentially eligible prehistoric sites include AZ T:4:192 (ASM), the New River - Stricklin site, described as a large multi-component habitation site, AZ T:4:337 (ASM), described as a large habitation site, AZ T:3:346 (ASM), described as a chalcedony quarry with possible petroglyph feature, and seven sites described as artifact scatters. The survey report indicates that according to the project's conceptual engineering drawings, two sites, the historic Sun-Up Ranch and AZ T:8:157 (ASM), described as a prehistoric artifact scatter, may be impacted by the proposed undertaking.

In the letter dated April 1, 2003, we noted the draft Programmatic Agreement states that the proposed project may have an adverse effect on ten sites, including AZ T:4:192 (ASM), AZ T:4:337 (ASM) and AZ T:3:346 (ASM). A response dated April 16, 2003, from the Arizona Department of Transportation explained why the project's conceptual engineering drawings indicate that two sites may be impacted by the proposed undertaking, and why ten sites are included in the draft Programmatic Agreement.



Robert E. Hollis  
July 15, 2003  
Page 2

Nevertheless, at this time, the Hopi Tribe declines to endorse this Programmatic Agreement. However, we look forward to FHWA and ADOT completing the conceptual design plans for this project, identifying which properties may be affected, and receiving any proposed treatment plans that involve any of the ten potentially eligible prehistoric properties covered by this Agreement for review and comment. At that time, we may also reconsider endorsing this Programmatic Agreement.

Enclosed, for your information, are correspondences between the Hopi Cultural Preservation Office and the FHWA, Utah Division, regarding FHWA's Native American Graves Protection and Repatriation Act responsibilities when it has appropriated right-of-way from another federal agency under Title 23 U.S.C. Chapter 317.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for consulting with the Hopi Tribe.

Respectfully,

  
Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

Enclosures: June 24, 2003, letter to FHWA; June 17, 2003, letter from FHWA

xc: Kae Neustadt, Arizona Department of Transportation, w/encls.  
Arizona State Historic Preservation Office, w/encls.

Janet Napolitano  
Governor

Mark Winkleman  
State Land  
Commissioner

# Arizona State Land Department



1616 West Adams Street Phoenix, AZ 85007 [www.land.state.az.us](http://www.land.state.az.us)

August 19, 2003

Kae Neustadt  
Historic Preservation Specialist  
Environmental Planning Section  
Arizona Department of Transportation  
205 South 17<sup>th</sup> Avenue, MD 619E  
Phoenix, Arizona 85007-3212

**RE: Programmatic Agreement for I-17 between MP 214 to 233  
from SR101 to the New River TI**

Dear Ms. Neustadt:

The Arizona Department of Transportation (ADOT) representing the Federal Highway Administration (FHWA) has requested the Arizona State Land Department (ASLD) participate as a signatory to a Programmatic Agreement (PA) regarding a proposed road widening project between Interstate 17 from the Loop 101 to the New River Traffic Interchange. I have reviewed the PA and have the following comments and recommendations.

After reviewing the PA in comparison to ASLD's records, and speaking with you (telephone conversation August 22, 2003), I have been unable to determine the right-of-way number that should be assigned to ADOT. As a result, I could not determine the width of ADOT's current right-of-way, nor if ADOT's proposed widening plan will require a new or amended right-of-way, or whether ADOT will need a right-of-entry for any Temporary Construction Easements (TCE). Therefore, until these issues are resolved, I am recommending to the Land Commissioner that ASLD not be a signatory to this PA at this time.

Regarding the stipulations for cultural resources work on State Trust land, I have the following comments and recommendations:

- Stipulation 1, appears to propose that a monitoring plan will be developed after an adverse impact has occurred within an archaeological site. The locations of geotechnical investigations should be determined and consultation should occur prior to the implementation of these investigations.
2. Stipulation 6d, appears to indicate that ADOT will provide notification to proceed with the construction once the data recovery report has been accepted as a final document. Unless ASLD has granted ADOT a right-of-way, TCE, etc., ADOT cannot authorize

Letter to Ms. Neustadt  
Comments to ADOT PA  
I-17 to New River TI  
August 19, 2003  
Page 2

construction to proceed on State Trust land. However, provided ADOT has the required authorization from ASLD, construction can only proceed after the State Historic Preservation Office (SHPO) has had an opportunity to comment and make recommendations regarding the work plan and results of the work.

3. Stipulation 8, indicates that the repository for materials will meet the standards and guidelines in Maricopa County. It is my understanding that Maricopa County does not have Standards and Guidelines for a repository of cultural materials. The Standards and Guidelines are established by the Arizona State Museum (ASM).
4. Stipulation 11, indicates that the ADOT Historic Preservation Specialist will evaluate discoveries when human remains are not involved. Although it is appropriate that ADOT staff evaluate discoveries under the terms of the PA, when those discoveries are located on State Trust land then the ASLD Cultural Resources Manager and the ASM should be provided an opportunity to participate in the evaluation.

I apologize for the time it has taken to respond to ADOT's request. I hope ASLD's comments and recommendations can be useful. Also, Jim Gross of ASLD's Right-of-Way Section is the administrator that administers ADOT's requests for actions on State Trust land. If you have any questions regarding filing an application, please call Jim at 602-542-4041. If you have any questions regarding my comments or recommendations, please call me at 602-542-2767.

Sincerely,



Stephen K. Ross  
Cultural Resources Manager

cc: Mark Winkleman, ASLD Commissioner  
Jim Gross, ASLD Right-of-Way Administrator  
David Jacobs, SHPO  
Jo Anne Medley, SHPO  
Su Benaron, ASM



Salt River  
**PIMA-MARICOPA INDIAN COMMUNITY**  
10005 E. OSBORN RD. / SCOTTSDALE, ARIZONA 85256-9722 / PHONE (480) 850-8000

September 17, 2003

Mrs. Stephen D. Thomas and  
Robert E. Hollis  
Division Administrator  
U. S. Department of Transportation  
Federal Highway Administration – Arizona Division  
One Arizona Center – Suite 410  
400 E. Van Buren Street  
Phoenix, Arizona 85004

RE: HA-AZ; NH-017-A(874); Tracs No. 017 MA 214 H5162 01L  
I-17; SR 101L – New River T.I.; Final PA Submittal

Dear Sirs:

Enclosed please find the signed Program Agreement referenced above as it relates to the Salt River Pima-Maricopa Indian Community (Community) for the widening of Interstate 17 (I-17) from the Loop 101 to the New River Traffic Interchange in Maricopa County. Please note: the President of the Community is Mrs. Joni M. Ramos and the Vice President of the Community is Mr. Leonard Rivers. Either signature is acceptable in executing inter-agency agreements with Federal agencies. Please make a change to your records to update them with these new (December 11, 2002) tribal officials.

If you have any questions, please do not hesitate to contact me at: 480-850-8005.

Sincerely,

Mitchell L. Parks  
Contracts & Grants Administrator

Enclosure